

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION NO.: 5:11-CV-00051-F

BAC HOME LOANS SERVICING, LP f/k/a
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Plaintiff,

vs.

ORDER

IVAN POWELL; CANDACE POWELL;
CARLTON GROUP OF NORTH
CAROLINA, LLC; CARLTON
CONSTRUCTION CORP. PENSION FUND;
MURDOCK AND GANNON
CONSTRUCTION, INC.; UNITED STATES
DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT; NATIONWIDE TRUSTEE
SERVICES, INC.; CACH, LLC; GRANITE
RIDGE SUBDIVISION HOMEOWNERS
ASSOCIATION, INC.,

Defendants.

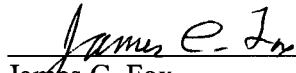
The matter has come before the Court upon Plaintiff's motion for order of resale of real property [DE-74] and amended motion for order of resale of real property [DE-?]. The Substitute Trustee, Nationwide Trustee Services, Inc., acting as Commissioner per the Court's order of June 20, 2012 [DE-71] conducted a judicial foreclosure sale on April 25, 2013 of the real property located at 2701 Cabochon Diamond Court, Raleigh, North Carolina 27610 ("the Real Property"), said Real Property being, in part, the subject of the above-styled action. Plaintiff was the high bidder at the April 25, 2013 judicial foreclosure sale [DE-74, Exhibit "A"]. The notice of the judicial foreclosure sale, however, contained errors, particularly as to the case number in the above-styled action and the identification of the Court from which the judgment

for the judicial foreclosure sale emanated [DE-74, Exhibit "B"]. The notice was not in compliance with N.C. Gen. Stat. § 1-339.15(1) as it did not properly "refer to the order authorizing the sale" and, therefore, the judicial foreclosure sale conducted on April 25, 2013 was rendered defective.

N.C. Gen. Stat. § 1-339.27A provides, in relevant part, that "[u]pon motion of an interested person filed within 10 days after a sale or upset bid and for good cause, the judge or clerk, having jurisdiction may order a resale of the property."

The motion for order of resale of the Real Property having been filed within the requisite time frame of N.C. Gen. Stat. § 1-339.27A and good cause having been demonstrated, Plaintiff's motion and amended motion are hereby GRANTED, and it is hereby ORDERED that Priority Trustee Services of NC, L.L.C. be, and is hereby, appointed by the Court as Commissioner, pursuant to N.C. Gen. Stat. § 1-339.4(1), to conduct a resale of the Real Property pursuant to N.C. Gen. Stat. § 1-339.27A.

This the 18th day of July, 2013.



James C. Fox
Senior United States District Court Judge